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5 Attorney for Plaintiff

HONORABLE SALVADOR MENDOZA, JR.

6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON STATE

8 JAN M. RENFROE,

9 Plaintiff,

10 v.

11 QUALITY LOAN SERVICE CORP. OF
12 WASHINGTON; BANK OF AMERICA, N.A.,
13 successor by merger to BAC Home Loans
14 Servicing, LP, f/k/a Countrywide Home Loans
15 Servicing, LP; CITIBANK, N.A. as trustee of NRZ
16 PASS-THROUGH TRUST VI; and MORTGAGE
17 ELECTRONIC REGISTRATION SYSTEMS, INC.,

18 Defendants.

19 AND

20 Nominal Defendants.

No. 2:17-cv-00194-SMJ

PLAINTIFF'S RESPONSE TO MOTION
IN LIMINE

November 10, 2020
(Pretrial Conference Date)

21 Plaintiff Renfroe hereby responds to the motion to *in limine* filed by Defendant Citibank
22 N.A. (Citibank) [ECF No. 148].

23 This case is undergoing a paradigm shift. Defendant Citibank's servicer, Nationstar,
24 notified Renfroe to inform her that Citibank no longer has a legal title to her loan. [ECF No.
25 141-2 p. 2] Also, the servicer has changed from Nationstar to Fay Servicing. [ECF No. 141-1]
26 Citibank's attorney, Taylor Haywood, next contacted plaintiff's attorney to discuss
27 continuance of the trial dated. She asked if plaintiff would agree to a 60-90 day continuance,
28 because she did not know whether she would remain as counsel of record under Fay

PLAINTIFF'S RESPONSE TO MOTION TO EXCLUDE
EXHIBITS

1 Servicing. Please see the accompanying Hunter Declaration **Exhibit "A."** Renfroe agreed to a
2 continuance, but left her wondering how to address Citibank's current summary judgment
3 motion and what exhibits and witnesses to use for her response brief and at trial.¹
4

5 Plaintiff's attorney started having computer problems. (Hunter Decl. ¶7) The day
6 after filing the supplemental summary judgment response, plaintiff's counsel, Robert Hunter,
7 realized he was having difficulty with various peripheral devices and software. Counsel could
8 not save into a pdf format. On the following Monday, Microsoft Office 365 went down. (Ibid)
9 Without any staff remaining, plaintiff's attorney worked on and eventually overcame these
10 technical problems. As luck would have it, Hunter next learned that he could not get into the
11 ECF filing system. (Hunter Decl. **Exh. "B"**) With the aid of the Court's tech department, the
12 filing problem was resolved on Monday, October 5, 2020, when the lists were filed. [ECF No.
13 150]
14

15
16 In addition to the technical challenges, plaintiff's attorney had personal challenges to
17 address. A family member's sudden hospitalization led to his spouse travelling to Russia
18 where she is now located and who has now also taken ill. Mr. Hunter found himself handling
19 the demands of his young children who needed at-home and Zoom learning.
20

21 All the while, plaintiff presumed that Citibank would still need a trial continuance,
22 making evidentiary issues not so looming. On October 1, 2020, when plaintiff's attorney
23 asked Ms. Haywood the manner in which she chose to seek the trial continuance (Hunter Exh.
24 "A"), she did not reply. Instead, she filed the motions to strike and exclude. Defense counsel
25
26

27
28 ¹ Renfroe informed the Court of these events by supplementing her response to Citibank's
summary judgment motion. ECF No. 140

1 remained true to form. When asked about whether Citibank had yet thought of a response to
2 Renfroe's settlement offers, Citibank did not reply and instead filed the recent motion for
3 summary judgment. Before then, Renfroe asked if Citibank would engage in a meaningful
4 mediation. That was met by Citibank pursuing an internal BPO (i.e., in home inspection) even
5 though plaintiff's home value is diminished by exterior features.
6

7 There is no prejudice to defendant. Plaintiff identified 14 exhibits, 10 of which are
8 already in the Court's record as part of the parties' previously filed evidence.²
9

10 Renfroe respectfully asks the Court to excuse the late filing of her Witness and Exhibit
11 List and allow Citibank additional time to respond to that list if deemed necessary. If trial is
12 not continued, it is set for November 30, 2020, 36 days from filing of Renfroe's exhibit list.
13

14 DATED October 6, 2020.

By: s/ Robert K. Hunter, Jr.

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19 CERTIFICATE OF SERVICE

20 I hereby certify that on October 6, 2020, I electronically filed the foregoing with the Clerk
21 of the Court using the CM/ECF System which will send notification of such filing to the following:
22 Daniel J. Gibbons, Taylor Haywood, Justin Balser and Robert William McDonald.
23

24 DATED this 6th day of October, 2020.

s/ Robert K. Hunter, Jr.

Robert K. Hunter, Jr., WSBA #28909,
Attorney for Plaintiff Renfroe

27 _____
28 ² This is in contrast to Citibank's 113 exhibits, an amount that belies defendant's contention that
the case is now merely limited to the application of two Washington cases.